

February 25, 2010

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

LETTICE A. GARRISON,

Petitioner - Appellant,

v.

ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO; ERASMO
BRAVO, Warden, Guadalupe County
Correctional Facility,

Respondents - Appellees.

No. 10-2039
(D.C. No. 1:09-CV-01120-WJ-WDS)

ORDER

Before **TACHA, BRISCOE**, and **LUCERO**, Circuit Judges.

This is an appeal from a non-final order of the magistrate judge denying the petitioner's motion for appointment of counsel. We dismiss for lack of appellate jurisdiction.

This order is not directly appealable to this court. Except for proceedings conducted by the magistrate judge on consent of the parties pursuant to 28 U.S.C. § 636(c), a court of appeals lacks jurisdiction to hear an appeal taken directly from a decision of a magistrate judge. *See Colorado Building & Construction Trade Council v. B.B. Andersen Construction Co.*, 879 F.2d 809 (10th Cir. 1989).

Moreover, the denial of the appointment of counsel is not immediately appealable. *See Cotner v. Mason*, 657 F.2d 1390 (10th Cir. 1981).

APPEAL DISMISSED.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney